



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARK
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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005514 09/09/99 WHITE T 1009.2500-01

005514
FITZPATRICK CELLA HARPER & SOUTHWELL
30 ROCKEFELLER PLAZA
NEW YORK NY 10112



NOT ASSIGNED

DATE MAILED: 10/29/99

11/12/99

NOTICE OF INCOMPLETE REPLY
(Filing Date Granted)

The reply filed on 10/29/99 to the

☒ Notice to File Missing Parts (Notice)

☐ Notice to File Corrected Application Papers (Notice)

mailed on 9/28/99 has been entered into the application. The reply, however, is incomplete for the following reason(s).

- ☐ 1. The filing fee required by the Notice has not been received. The amount of \$ _____ is due.
- ☐ 2. The surcharge of \$ _____ has not been received.
- ☒ 3. The oath or declaration for this nonprovisional application has not been received. *SURCHARGE 65.00 CHARGED TO ACCT 06-1205*
- ☐ 4. A \$50 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 5. The oath or declaration for this nonprovisional application is not executed in compliance with 37 CFR 1.64(a) because:
 - ☐ a. The inventor's signature is missing.
 - ☐ b. The signature is missing for inventor(s) _____
 - ☐ c. The application is one filed under 37 CFR 1.42, 1.43, or 1.47, and the oath or declaration is not executed by the person(s) qualified to make the oath or declaration.
- ☐ 6. The cover sheet (37 CFR 1.151(c)(1)) for this provisional application has not been received.
- ☐ 7. The reply does not include the following item(s) required by the Notice:

A complete reply must be timely filed to prevent **ABANDONMENT** of the above-identified application.

The period for reply remains as set forth in the Notice. You may, however, obtain an **EXTENSION OF TIME** under the provisions of 37 CFR 1.136(a) by filing a petition accompanied by the appropriate fee (37 CFR 1.17(a)).

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

HARRISON T-6

Customer Service Center
Initial Patent Examination Division (703) 308-1202

Section:

Appln. No.: 09/392,476
Atty. Docket: 1039.2500 CIP



1039.2500 CIP

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

THERESA C. WHITE

SYLVIA McHUGH

CHRISTOPHER D. HINDLE

Appln. No.: 09/392,476

Filed: September 9, 1999

For: **ENHANCED EXPRESSION OF
PROTEINS IN GENETICALLY
MODIFIED FUNGI**

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Examiner: Not Yet Assigned

Group Art Unit: 1633

November 23, 1999

ATTN.: BOX MISSING PARTS

Assistant Commissioner for Patents

Washington, D.C. 20231

**RESPONSE TO NOTICE OF INCOMPLETE REPLY
(Filing Date Granted)**

Sir:

As understood, Applicant disagrees with the Box "3" check mark and the extra \$65.00 fee that was charged, as noted in the November 12, 1999 Notice of Incomplete Reply. Enclosed herewith is a complete copy of what was filed on October 29, 1999 as a Completion of Filing, with four postcard receipts. As you will note, an executed Declaration and Power of Attorney was filed. A Small Entity Declaration also was filed, though the *original* was

submitted separately, together with a Request for Refund of half the filing fees paid on September 9, 1999.

Applicant respectfully requests withdrawal of the November 12, 1999 Notice of Incomplete Reply (Filing Date Granted), and a credit of the \$65.00 charged to our Deposit Account.

Any deficiency in or overpayment of these fees should be charged or credited to Deposit Account No. 01-1205. Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at 202-530-1010 or by facsimile at 202-530-1055. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


Warren E. Olsen (Reg. No. 27,290)

Attachments: Notice of Incomplete Reply (copy)
 Four Postcard receipts
 Preliminary Amendment (copy as filed)
 Request for Refund and Submission of Small Entity Declaration (copy as filed)
 Completion of Filing (copy as filed)
 PTO-1595 and Assignment (copy as filed)
 Request for Corrected Filing Receipt (copy as filed)

FITZPATRICK, CELLA, HARPER & SCINTO
Customer No.: 05514
30 Rockefeller Plaza, 38th Floor
New York, New York 10112-3801
Facsimile: (212) 218-2200

C:\WEO\1039\2500CIP-AMEMissPart



Assistant Commissioner for Patents
Washington, D.C. 20231

Date 10 / 29 / 99
Mo. Day Yr.

Atty. Docket 1039.257XIP

Application No. 342,474

Sir:

Kindly acknowledge receipt of the accompanying

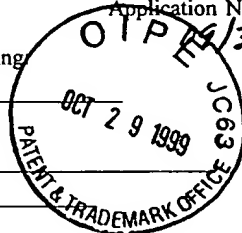
- ☐ Response to Official Action.
- ☐ Check for \$ _____ (claims fee)
- ☐ Petition under 37 CFR 1.136 and Check for \$ _____
- ☐ Notice of Appeal and Check for \$ _____
- ☐ Information Disclosure Statement, PTO-1449 and _____ documents
- ☐ Claim for priority and certified copies of _____ priority applications
- ☐ Issue fee transmittal and Check for \$ _____
- ☒ Other (specify) Preliminary Amendment

by placing your receiving date stamp hereon and returning to deliverer.

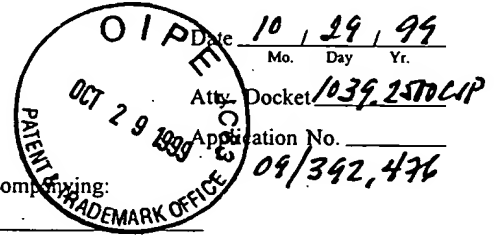
Atty. W40/Kg

Due Date N/D/D
Mo. Day Yr.

FOHS-D-95



Assistant Commissioner for Patents
Washington, D.C. 20231



Sir:

Kindly acknowledge receipt of the accompanying:

- ☐ Response to Official Action. _____
- ☐ Check for \$ _____ (claims fee)
- ☐ Petition under 37 CFR 1.136 and Check for \$ _____
- ☒ Notice of Appeal and Check for \$ Small Entity Statement
- ☐ Information Disclosure Statement, PTO-1449 and _____ documents
- ☐ Claim for priority and certified copies of _____ priority applications
- ☐ Issue fee transmittal and Check for \$ _____
- ☒ Other (specify) Request for Return and Submission of Small Entity Declaration
- by placing your receiving date stamp hereon and returning to deliverer.

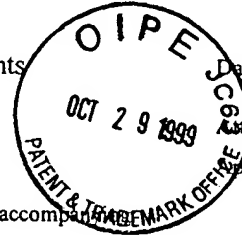
FOIS-D-95



Atty. W21/K8

Due Date 11/9/99
Mo. Day Yr.

Assistant Commissioner for Patents
Washington, D.C. 20231



Date 10 / 29 / 99
Mo. Day Yr.
Atty. Docket 1034-250411
Application No. 09/342,476

Sir:

Kindly acknowledge receipt of the accompanying

- FCIS-D-95
- ☐ Response to Official Action.
 - ☒ Check for \$ 65.00 (claims fee); Combined Dec + POA
 - ☒ Petition under 37 CFR 1.136 and Check for \$ Request for Refund and Sub.
 - ☒ Notice of Appeal and Check for \$ of Small Entity (Copy only)
 - ☐ Information Disclosure Statement, PTO-1449 and _____ documents
 - ☐ Claim for priority and certified copies of _____ priority applications
 - ☒ Issue fee transmittal and Check for \$ Completion of Filing + Form PTO-
 - ☒ Other (specify) Assignment \$400 1533

by placing your receiving date stamp hereon and returning to deliverer.

Atty. Wesley

Due Date 11 / 28 / 99
Mo. Day Yr.



Assistant Commissioner for Patents
Washington, D.C. 20231

Date 10 / 29 / 99
Mo. Day Yr.

Atty. Docket 1039.2500C1P

Application No. _____

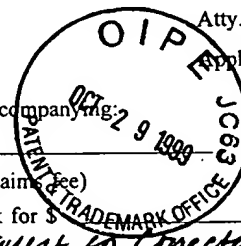
Sir:

Kindly acknowledge receipt of the accompanying _____

- ☐ Response to Official Action. _____
- ☐ Check for \$ _____ (claim fee)
- ☐ Petition under 37 CFR 1.136 and Check for \$ _____
- ☒ ~~Notice of Appeal~~ and Check for \$ Request for Corrected Filing Receipt.
- ☐ Information Disclosure Statement, PTO-1449 and _____ documents
- ☐ Claim for priority and certified copies of _____ priority applications
- ☐ Issue fee transmittal and Check for \$ _____
- ☒ Other (specify) Copies of: Official Filing Receipt; Comb. Dec + POA;
by placing your receiving date stamp hereon and returning to deliverer. 37 CFR 1.53(b)

Atty. W20/15

Due Date N D D
Mo. Day Yr.



FOHS-D-95

Appln. No.: 09/392,476
Atty. Docket: 1039.2500 CIP

1039.2500 CIP

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

THERESA C. WHITE

SYLVIA McHUGH

CHRISTOPHER D. HINDLE



Appln. No.: 09/392,476

Filed: September 9, 1999

For: **ENHANCED EXPRESSION OF
PROTEINS IN GENETICALLY
MODIFIED FUNGI**

Examiner: Not Yet Assigned
Group Art Unit: 1633

October 29, 1999

Assistant Commissioner for Patents
Washington, D.C. 20231

COPY AS FILED

PRELIMINARY AMENDMENT

Sir:

Prior to examination on the merits, please amend the application as follows:

IN THE SPECIFICATION:

Please amend the specification as follows:

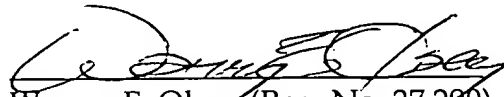
At Page 2, Line 1, insert

--This application is a continuation-in-part of Application No. 09/037,524 filed
September 9, 1999--

No fee for this statement is required. However, the Commissioner is hereby
authorized to charge any fee demonstrated to be required to Deposit Account No. 06-1205.

Applicant's undersigned attorney may be reached in our Washington, D.C. office
by telephone at (202) 530-1010. All correspondence should continue to be directed to our
below listed address.

Respectfully submitted,



Warren E. Olsen (Reg. No. 27,290)

FITZPATRICK, CELLA, HARPER & SCINTO
Customer No.: 05514
30 Rockefeller Plaza, 38th Floor
New York, New York 10112-3801
Facsimile: (212) 218-2200

C:\WEO\1039\2500CIP-PreAme

1039.2500CIP

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

THERESA C. WHITE
SYLVIA McHUGH
CHRISTOPHER D. HINDLE

Appln. No.: 09/392,476

Filed: September 9, 1999

For: **ENHANCED EXPRESSION OF
PROTEINS IN GENETICALLY
MODIFIED FUNGI**



Examiner: Not Yet Assigned
Group Art Unit: 1633

October 29, 1999

ATTN.: HAJA COLE
Refund Section
Crystal Park 1, Room 307
Assistant Commissioner for Patents
Washington, D.C. 20231

COPY AS FILED

REQUEST FOR REFUND AND SUBMISSION OF SMALL ENTITY DECLARATION

Sir:

The above-identified application was filed informally, under Rule 1.53(b) on September 9, 1999. A Small Entity status was not requested in the papers, and a check for the large entity fee of \$1018.00 was paid at that time. This application is prosecuted as a Continuation-In-Part of Application No. 09/037.524, which was a small entity.

Applicant now submits herein a new Small Entity Declaration under 37 CFR 1.27. The correct small entity filing fee is \$509.00 under 37 CFR 1.16. Please issue a refund of the \$509.00 overpayment of the filing fee, to Deposit Account No. 06-1205.

No fee for this statement is required. However, the Commissioner is hereby authorized to charge any fee demonstrated to be required to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at 202-530-1010 or by facsimile at 202-530-1055. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


Warren E. Olsen (Reg. No. 27,290)

Attachment: Small Entity Declaration

FITZPATRICK, CELLA, HARPER & SCINTO
Customer Number: 05514
30 Rockefeller Plaza, 38th Floor
New York, NY 10112-3801

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**



BRIAN FOODY hereby declares

That I am **President** and empowered to act on behalf of the small business concern:

IOGEN CORPORATION
(Canada Federal Corporation)
400 Hunt Club Road
Ottawa, Ontario, Canada K1V 1C1

That the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both;

That rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to improvements by the inventors, **THERESA C. WHITE, SYLVIA McHUGH** and **CHRISTOPHER D. HINDLE**, and the application for United States Letters Patent that was filed on our behalf unsigned on **September 9, 1999** and now has been given application Serial No. **09/392,476**, and being identified by the title, as follows:

**ENHANCED EXPRESSION OF PROTEINS IN
GENETICALLY MODIFIED FUNGI**

and for which an **ASSIGNMENT** to Iogen Corporation also has been executed by the

inventors concurrently with the execution of a patent Declaration.

That if the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e); NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

☒ no such person, concern, or organization
☐ persons, concerns or organizations listed below*

That I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b); and

That I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

IOGEN CORPORATION

Signature:

By: BRIAN FOODY, President

Date : October 27, 1999

Citizenship: Canada Federal Corporation

Post Office Address:

400 Hunt Club Road
Ottawa, Ontario, Canada K1V 1C1

Appln. No.: 09/392,476
Atty. Docket: 1039.2500 CIP

1039.2500 CIP

PATENT APPLICATION

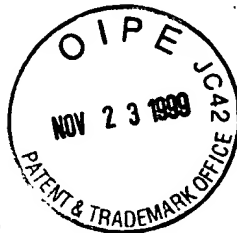
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
THERESA C. WHITE
SYLVIA McHUGH
CHRISTOPHER D. HINDLE

Appln. No.: 09/392,476

Filed: September 9, 1999

For: **ENHANCED EXPRESSION OF
PROTEINS IN GENETICALLY
MODIFIED FUNGI**



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)
)
) Examiner: Not Yet Assigned
) Group Art Unit: 1633
)
)
)

) October 29, 1999
)
)

COPY AS FILED

Assistant Commissioner for Patents
Washington, D.C. 20231

**ATTENTION: APPLICATION PROCESSING DIVISION
SPECIAL PROCESSING AND CORRESPONDENCE
BRANCH**

COMPLETION OF FILING

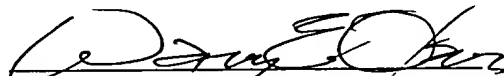
Sir:

Enclosed herewith is a copy of the September 28, 1999 Notice to File Missing
Parts Application - Filing Date Granted; a check for the \$65.00 Small Entity surcharge; and

an executed Declaration and Power of Attorney. A Small Entity Declaration is being submitted concurrently together with a Request for Refund (copy attached).

Any deficiency in or overpayment of these fees should be charged or credited to Deposit Account No. 01-1205. *A duplicate copy of this sheet is enclosed.* Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at 202-530-1010 or by facsimile at 202-530-1055. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Warren E. Olsen (Reg. No. 27,290)

Attachments: Check for \$65.00
Request for Refund and Submission of Small Entity Declaration (copy)
Form PTO-1533

FITZPATRICK, CELLA, HARPER & SCINTO
Customer No.: 05514
30 Rockefeller Plaza, 38th Floor
New York, New York 10112-3801
Facsimile: (212) 218-2200

C:\WEO\1039\2500CIP-MissPartTrans



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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097392,476 09/09/99 WHITE

1039.2500-CI

005514 0262/0928
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

NOT ASSIGNED #173/100



1633
DATE MAILED:

09/28/99

NOTICE TO FILE MISSING PARTS OF APPLICATION *Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
☐ small entity (statement filed) ☒ non-small entity is \$ 130.00

- ☐ 1. The statutory basic filing fee is:
☐ missing.
☐ insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☐ 2. The following additional claims fees are due:

\$ _____ for _____ total claims over 20
\$ _____ for _____ independent claims over 3
\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:

☒ is missing or unsigned

☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

- ☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

- ☐ 9. OTHER: _____

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

MARRISON T-C

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**



As a below-named joint inventors, WE each hereby declare that:

My residence, post office address and citizenship are as stated next to my name subscribed below;

I believe I am an original coinventor of the subject matter which is disclosed and claimed in the application for United States Letters Patent that was filed on my behalf unsigned on **September 9, 1999** and now has been given application **Serial No. 09/392,476**, and being identified by the title, as follows:

**ENHANCED EXPRESSION OF PROTEINS IN
GENETICALLY MODIFIED FUNGI**

I hereby state that I have reviewed and understand the contents of the above-identified specification as filed, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

This is a continuation-in-part, and I hereby claim benefit under Title 35, United States Code, §120, of **Application No. 09/037,524**, filed **March 10, 1998**, which is **pending**.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application No.	Filed (Day/Mo./Yr.)	Priority Claimed
None			

POWER OF ATTORNEY

I hereby appoint: Joseph M. Fitzpatrick (Registration No. 17,398), Lawrence F. Scinto (Registration No. 18,973), William J. Brunet (Registration No. 20,452), Robert L. Baechtold (Registration No. 20,860), John A.

O'Brien (Registration No. 24,367), John A. Krause (Registration No. 24,613), Henry J. Renk (Registration No. 25,499), Peter Saxon (Registration No. 24,947), Anthony M. Zupcic (Registration No. 27,276), Charles P. Baker (Registration No. 26,702), Stevan J. Bosses (Registration No. 22,291), Edward E. Vassallo (Registration No. 29,117), Ronald A. Clayton (Registration No. 26,718), Lawrence A. Stahl (Registration No. 30,110), Laura A. Bauer (Registration No. 29,767), Leonard P. Diana (Registration No. 29,296), Nicholas N. Kallas (Registration No. 31,530), William M. Wannisky (Registration No. 28,373), Lawrence S. Perry (Registration No. 31,865), Robert H. Fischer (Registration No. 30,051), Christopher Philip Wrist (Registration No. 32,078), Gary M. Jacobs (Registration No. 28,861), Michael K. O'Neill (Registration No. 32,622), Bruce C. Haas (Registration No. 32,734), Scott K. Reed (Registration No. 32,433), Scott D. Malpede (Registration No. 32,533), Fredrick M. Zullo (Registration No. 32,452), Richard P. Bauer (Registration No. 31,588), Warren E. Olsen (Registration No. 27,290), Abigail F. Cousins (Registration No. 29,292), Steven E. Warner (Registration No. 33,326), Thomas J. O'Connell (Registration No. 33,202), David L. Schaeffer (Registration No. 32,716), Jack S. Cubert (Registration No. 24,245), Mark A. Williamson (Registration No. 33,628), Jean K. Dudek (Registration No. 30,938), Raymond R. Mandra (Registration No. 34,382), Dominick A. Conde (Registration No. 33,856), Steven C. Bauman (Registration No. 33,832), Pasquale A. Razzano (Registration No. 25,512), John W. Behringer (Registration No. 23,086), John D. Carlin (Registration No. 37,292), Jack M. Arnold (Registration No. 17,739), Daniel S. Glueck (Registration No. 37,838), Brian L. Klock (Registration No. 36,570), T. Thomas Gellenthien (Registration No. 39,683), and Sean W. O'Brien (Registration No. 37,689) as our attorneys with full power of substitution, to prosecute this application and transact all business with the United States Patent and Trademark Office connected therewith.

Address all written correspondence to:

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza, 38th Floor
New York, N.Y. 10112-3801
Telephone No. 212-218-2100

Address telephone inquiries to our Washington, D.C. office, as follows:

Docket No. : 1039.2500CIP
Warren E. Olsen (Reg. No. 27,290)
Telephone No. : 202-530-1010
Facsimile No. : 202-530-1055

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code application or any patent issued thereon.

Inventor : THERESA C. WHITE

Inventor's signature:

Theresa C. White

Date : October 20, 1999

Citizenship: United States of America

Post Office Address:

61 Kimberwick Crescent
Ottawa, Ontario, Canada K1V 0W6

Inventor :

SYLVIA McHUGH

Inventor's signature:

Sylvia C. McHugh

Date : October 20, 1999

Citizenship: Canada

Post Office Address:

3227 Carriage Hill Place
Gloucester, Ontario, Canada K1T 3X5

Inventor :

CHRISTOPHER D. HINDLE

Inventor's signature:

Chris D. Hindle

Date : October 20, 1999

Citizenship: Canada

Post Office Address:

4332 Owl Valley Drive
Gloucester, Ontario, Canada K1V 1L3

1039.2500CIP

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

THERESA C. WHITE

SYLVIA McHUGH

CHRISTOPHER D. HINDLE

Appln. No.: 09/392,476

Filed: September 9, 1999

For: **ENHANCED EXPRESSION OF
PROTEINS IN GENETICALLY
MODIFIED FUNGI**

Examiner: Not Yet Assigned
Group Art Unit: 1633

October 29, 1999



COPY

ATTN.: HAJA COLE
Refund Section
Crystal Park 1, Room 307
Assistant Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR REFUND AND SUBMISSION OF SMALL ENTITY DECLARATION

Sir:

The above-identified application was filed informally, under Rule 1.53(b) on September 9, 1999. A Small Entity status was not requested in the papers, and a check for the large entity fee of \$1018.00 was paid at that time. This application is prosecuted as a Continuation-In-Part of Application No. 09/037.524, which was a small entity.

Applicant now submits herein a new Small Entity Declaration under 37 CFR 1.27. The correct small entity filing fee is \$509.00 under 37 CFR 1.16. Please issue a refund of the \$509.00 overpayment of the filing fee, to Deposit Account No. 06-1205.

No fee for this statement is required. However, the Commissioner is hereby authorized to charge any fee demonstrated to be required to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at 202-530-1010 or by facsimile at 202-530-1055. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


Warren E. Olsen (Reg. No. 27,290)

Attachment: Small Entity Declaration

FITZPATRICK, CELLA, HARPER & SCINTO
Customer Number: 05514
30 Rockefeller Plaza, 38th Floor
New York, NY 10112-3801

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**



BRIAN FOODY hereby declares

That I am **President** and empowered to act on behalf of the small business concern:

IOGEN CORPORATION
(Canada Federal Corporation)
400 Hunt Club Road
Ottawa, Ontario, Canada K1V 1C1

That the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both;

That rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to improvements by the inventors, **THERESA C. WHITE, SYLVIA McHUGH and CHRISTOPHER D. HINDLE**, and the application for United States Letters Patent that was filed on our behalf unsigned on **September 9, 1999** and now has been given application Serial No. 09/392,476, and being identified by the title, as follows:

**ENHANCED EXPRESSION OF PROTEINS IN
GENETICALLY MODIFIED FUNGI**

and for which an **ASSIGNMENT** to Iogen Corporation also has been executed by the

inventors concurrently with the execution of a patent Declaration.

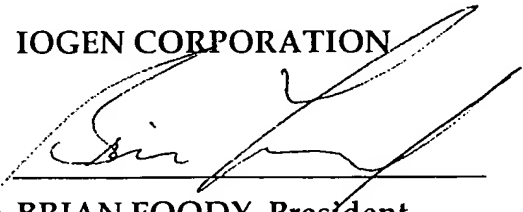
That if the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e); NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

☒ no such person, concern, or organization
☐ persons, concerns or organizations listed below*

That I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b); and

That I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

IOGEN CORPORATION

Signature: 

By: BRIAN FOODY, President

Date : October 27, 1999

Citizenship: Canada Federal Corporation

Post Office Address:

400 Hunt Club Road
Ottawa, Ontario, Canada K1V 1C1

FORM-PTO-1595
1-31-92

TRANSMITTAL OF DOCUMENT FOR RECORDATION
PATENTS ONLY

Atty. Docket: 1039.2500

To the Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

(1) THERESA C. WHITE
61 KIMBERWICK CRESCENT
OTTAWA, ONTARIO
CANADA K1V 0W6

(2) SYLVIA McHUGH
3227 CARRIAGE HILL PLACE
GLOUCESTER
ONTARIO CANADA K1T 3X5

(3) CHRISTOPHER D. HINDLE
4332 OWL VALLEY DRIVE
GLOUCESTER, ONTARIO CANADA K1V 1L3

Additional name(s) of conveying party(ies) attached?

☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: IOGEN CORPORATION

(Canada Federal Corporation)

Foreign Address: 400 HUNT CLUB ROAD

OTTAWA, ONTARIO

CANADA K1V 1C1

Domestic Address: _____

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: October 20, 1999

City: _____ State _____ ZIP _____

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

09/392,476

B. Patent Registration No.(s)

Additional numbers attached? ☐ Yes ☒ No

COPY AS FILED

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Fitzpatrick, Cella, Harper & Scinto

30 Rockefeller Plaza, 38th Floor

New York, New York 10112-3801

Telephone No.: (212) 218-2100

Facsimile No.: (212) 218-2200

6. Number of applications and patents involved:

One (1)

7. Total fee (37 CFR 3.41): . . . \$40.00

- ☒ Enclosed
☐ Authorized to be charged to deposit account

8. Deposit account number for any deficiency: 06-1205
(Attach duplicate copy of this page if paying by deposit account):

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Warren E. Olsen (Reg. No. 27,290)
Name of Person Signing


Signature

October 29, 1999
Date

October 29, 1999

Total number of pages including cover sheet, attachments, and documents: 3

ASSIGNMENT

In consideration of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, WE, the undersigned assignors, with addresses as noted next to our signatures,

Hereby sell, assign and transfer to IOGEN CORPORATION, a Canada Federal Corporation having a place of business at 400 Hunt Club Road, Ottawa, Ontario, Canada K1V 1C1, its successors, assigns and legal representatives, the entire right, title and interest for the United States and all foreign countries, in and to any and all improvements which is disclosed and claimed in the application for United States Letters Patent filed **September 9, 1999**, and being identified by the title, as follows:

ENHANCED EXPRESSION OF PROTEINS IN GENETICALLY MODIFIED FUNGI

and in and to said application and all divisional, continuing, substitute, renewal, reissue, and all other applications or issued Letters Patent, upon said improvements; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said improvements; and

Agree that Assignee may apply for and receive Letters Patent for said improvements in its own name; and that, when requested, without charge to but at the expense of said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this Assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all of said improvements; execute all rightful oaths, assignments, powers of attorney, and other papers; communicate to said Assignee, its successors, assigns, and representatives, all facts known to the undersigned relating to said improvements and the history thereof; and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements and for vesting title to said improvements and all applications for patents and all patents on said improvements, in said Assignee, its successors, assigns and legal representatives; and

Covenant with said Assignee, its successors, assigns and legal representatives that no Assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, that full right to convey the same as herein expressed is possessed by the undersigned.

First Inventor:

THERESA C. WHITE

Inventor's signature:

Theresa C. White

Date: October 20, 1999

Citizenship: United States of America

Post Office Address:

61 Kimberwick Crescent
Ottawa, Ontario, CANADA K1V 0W6

Second Inventor:

SYLVIA McHUGH

Inventor's signature:

Sylvia McHugh

Date: October 20, 1999

Citizenship: Canada

Post Office Address:

3227 Carriage Hill Place
Gloucester, Ontario, CANADA K1T 3X5

Third Inventor:

CHRISTOPHER D. HINDLE

Inventor's signature:

Chris D. Hindle

Date: October 20, 1999

Citizenship: Canada

Post Office Address:

4332 Owl Valley Drive
Gloucester, Ontario, CANADA K1V 1L3

1039.2500 CIP

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

THERESA C. WHITE

SYLVIA McHUGH

CHRISTOPHER D. HINDLE

Appln. No.: 09/392,476

Filed: September 9, 1999

For: ENHANCED EXPRESSION OF
PROTEINS IN GENETICALLY
MODIFIED FUNGI



)
)
)
) Examiner: Not Yet Assigned
) Group Art Unit: 1633
)
)
)

) October 29, 1999
)
)

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, D.C. 20231

COPY AS FILED

REQUEST FOR
CORRECTED FILING RECEIPT

Sir:

Applicant respectfully requests issuance of a corrected Official Filing Receipt in the above-referenced application. Please issue a new Official Filing Receipt to reflect the correct information, as follows:

Independent Claims: 4

SMALL ENTITY STATUS

THIS APPLN IS A CONTINUATION-IN-PART OF APPLN. NO.09/037,524

Serial Number: 09/392,476
Atty. Docket: 1039.2500CIP

The correct total of independent claims should have been ~~4~~, not "3". This application now claims small entity status. Applicant is separately filing a Request for Refund and Submission of Small Entity Declaration. Hence, the correct small entity filing fee is \$509.00.

Applicant respectfully requests issuance of a corrected Official Filing Receipt in the above-referenced application. The unsigned Combined Declaration and Power of Attorney for Patent Application, (as well as the transmittal cover sheet) filed on September 9, 1999 correctly stated that this application was a Continuation-In-Part of Appln. No. 09/037,524 (copy attached).

Hence, no fee for this statement is required. However, the Commissioner is hereby authorized to charge any fee demonstrated to be required to Deposit Account No. 06-1205.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Warren E. Olsen (Reg. No. 27,290)

Attachments: Official Filing Receipt; Combined Declaration and Power of Attorney;
37 CFR 1.53(b)
FITZPATRICK, CELLA, HARPER & SCINTO

FILING RECEIPT

999

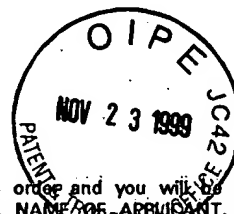


UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/392,476	09/09/99	1633	\$940.00	1039.2500-CI	10	30	3

005514

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112



Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) THERESA C. WHITE, OTTAWA, CANADA; SYLVIA MCHUGH,
GLOUCESTER, CANADA; CHRISTOPHER D. HINDLE, GLOUCESTER,
CANADA.

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 09/27/99

TITLE

ENHANCED EXPRESSION OF PROTEINS IN GENETICALLY MODIFIED FUNGI

PRELIMINARY CLASS: 435



UTILITY PATENT APPLICATION TRANSMITTAL <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>		Attorney Docket No.	1039.2500 CIP	Total Pages	83
		First Named Inventor or Application Identifier			
		Theresa C. White			
		Express Mail Label No.			

APPLICATION ELEMENTS <small>See MPEP chapter 600 concerning utility patent application contents.</small>	ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
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<div style="display: flex; justify-content: space-between;"><div><p>1. <input checked="" type="checkbox"/> Fee Transmittal Form <small>(Submit an original, and a duplicate for fee processing)</small></p><p>2. <input checked="" type="checkbox"/> Specification + Abstract Total Pages 63</p><p style="margin-left: 40px;">Claims Total Pages 3</p><p>3. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) Total Sheet(s) 10</p><p>4. <input checked="" type="checkbox"/> Oath and Declaration (Combined) Total Pages 3</p><div style="margin-left: 40px;"><p>a. <input type="checkbox"/> Newly executed (original or copy)</p><p>b. <input checked="" type="checkbox"/> Unexecuted for information purposes</p><p>c. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <small>(for continuation/divisional with Box 17 completed)</small> [Note Box 5 below]</p><p>i. <input type="checkbox"/> DELETION OF INVENTOR(S) <small>Signed Statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</small></p></div><p>5. <input type="checkbox"/> Incorporation By Reference <small>(useable if Box 4b is checked)</small> <small>The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.</small></p></div><div style="text-align: center; margin-top: 20px;"></div></div> <div style="width: 50%; vertical-align: top;"><p>6. <input type="checkbox"/> Microfiche Computer Program <i>(Appendix)</i></p><p>7. Nucleotide and/or Amino Acid Sequence Submission <small>(if applicable, all necessary)</small></p><div style="margin-left: 20px;"><p>a. <input type="checkbox"/> Computer Readable Copy</p><p>b. <input type="checkbox"/> Paper Copy (identical to computer copy)</p><p>c. <input type="checkbox"/> Statement verifying identity of above copies</p></div></div>	ACCOMPANYING APPLICATION PARTS <p>8. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))</p> <p>9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney <small>(when there is an assignee)</small></p> <p>10. <input type="checkbox"/> English Translation Document <small>(if applicable)</small></p> <p>11. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>12. <input type="checkbox"/> Preliminary Amendment</p> <p>13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <small>(Should be specifically itemized)</small></p> <p>14. <input type="checkbox"/> Small Entity Statement(s) <input type="checkbox"/> Statement filed in prior application Status still proper and desired</p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) <small>(if foreign priority is claimed)</small></p> <p>16. <input type="checkbox"/> Other: _____</p>
---	--

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional

☒ Continuation-in-part (CIP) of prior application No. 09 /037,524

18. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

05514
(Insert Customer No. or Attach bar code label here)

or ☒ Correspondence address below

NAME	FITZPATRICK, CELLA, HARPER & SCINTO				
Address	30 Rockefeller Plaza, 38 th Floor				
City	New York	State	New York	Zip Code	10112-3801
Country	U.S.A.	Telephone	212-218-2100	Fax	212-218-2200



CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	30-20 =	10	X \$ 18.00 =	\$ 180.00
	INDEPENDENT CLAIMS (37 cfr 1.16(b))	4-3 =	1	X \$ 78.00 =	\$ 78.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			\$270.00 =	\$ -0-
				BASIC FEE (37 CFR 1.16(a))	\$ 760.00
	Total of above Calculations =				\$ 1018.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				\$
	TOTAL =				\$ 1018.00

19. Small entity status

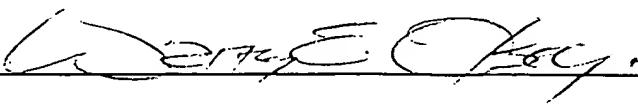
- a. ☐ A Small entity statement is enclosed
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☒ Is no longer claimed.

20. ☒ A check in the amount of \$ 1018.00 to cover the filing fee is enclosed.

21. ☐ A check in the amount of \$ _____ to cover the recordal fee is enclosed.

22. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 06-1205:

- a. ☒ Fees required under 37 CFR 1.16.
- b. ☐ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
NAME	Warren E.. Olsen, Reg. No. 27,290
SIGNATURE	
DATE	September 9, 1999

COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below-named joint inventors, WE each hereby declare that:

My residence, post office address and citizenship are as stated next to my name subscribed below;

I believe I am an original coinventor of the subject matter which is disclosed and claimed in the application for United States Letters Patent that was filed on my behalf unsigned on September 9, 1999, and being identified by the title, as follows:



ENHANCED EXPRESSION OF PROTEINS IN GENETICALLY MODIFIED FUNGI

I hereby state that I have reviewed and understand the contents of the above-identified specification as filed, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

This is a continuation-in-part, and I hereby claim benefit under Title 35, United States Code, §120, of Application No. 09/037,524, filed March 10, 1998, which is pending.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application No.	Filed (Day/Mo./Yr.)	Priority Claimed
None			

POWER OF ATTORNEY

I hereby appoint: Joseph M. Fitzpatrick (Registration No. 17,398), Lawrence F. Scinto (Registration No. 18,973), William J. Brunet (Registration No. 20,452), Robert L. Baechtold (Registration No. 20,860), John A. O'Brien (Registration No. 24,367), John A. Krause (Registration No. 24,613), Henry J. Renk (Registration No. 25,499), Peter Saxon (Registration No. 24,947), Anthony M. Zupcic (Registration No. 27,276), Charles P.

Baker (Registration No. 26,702), Stevan J. Bosses (Registration No. 22,291), Edward E. Vassallo (Registration No. 29,117), Ronald A. Clayton (Registration No. 26,718), Lawrence A. Stahl (Registration No. 30,110), Laura A. Bauer (Registration No. 29,767), Leonard P. Diana (Registration No. 29,296), Nicholas N. Kallas (Registration No. 31,530), William M. Wannisky (Registration No. 28,373), Lawrence S. Perry (Registration No. 31,865), Robert H. Fischer (Registration No. 30,051), Christopher Philip Wrist (Registration No. 32,078), Gary M. Jacobs (Registration No. 28,861), Michael K. O'Neill (Registration No. 32,622), Bruce C. Haas (Registration No. 32,734), Scott K. Reed (Registration No. 32,433), Scott D. Malpede (Registration No. 32,533), Fredrick M. Zullo (Registration No. 32,452), Richard P. Bauer (Registration No. 31,588), Warren E. Olsen (Registration No. 27,290), Abigail F. Cousins (Registration No. 29,292), Steven E. Warner (Registration No. 33,326), Thomas J. O'Connell (Registration No. 33,202), David L. Schaeffer (Registration No. 32,716), Jack S. Cubert (Registration No. 24,245), Mark A. Williamson (Registration No. 33,628), Jean K. Dudek (Registration No. 30,938), Raymond R. Mandra (Registration No. 34,382), Dominick A. Conde (Registration No. 33,856), Steven C. Bauman (Registration No. 33,832), Pasquale A. Razzano (Registration No. 25,512), John W. Behringer (Registration No. 23,086), John D. Carlin (Registration No. 37,292), Jack M. Arnold (Registration No. 17,739), Daniel S. Glueck (Registration No. 37,838), Brian L. Klock (Registration No. 36,570), T. Thomas Gellenthien (Registration No. 39,683), and Sean W. O'Brien (Registration No. 37,689) as our attorneys with full power of substitution, to prosecute this application and transact all business with the United States Patent and Trademark Office connected therewith.

Address all written correspondence to:

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza, 38th Floor
New York, N.Y. 10112-3801
Telephone No. 212-218-2100

Address telephone inquiries to our Washington, D.C. office, as follows:

Docket No. : 1039.2500CIP
Warren E. Olsen (Reg. No. 27,290)
Telephone No. : 202-530-1010
Facsimile No. : 202-530-1055

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code application or any patent issued thereon.

Inventor : **THERESA C. WHITE**

Inventor's signature: _____

Date : September ____, 1999

Citizenship: United States of America

Post Office Address: 61 Kimberwick Crescent
Ottawa, Ontario, Canada K1V 0W6

Inventor : **SYLVIA McHUGH**

Inventor's signature: _____

Date : September ____, 1999

Citizenship: Canada

Post Office Address: 3227 Carriage Hill Place
Gloucester, Ontario, Canada K1T 3X5

Inventor : **CHRISTOPHER D. HINDLE**

Inventor's signature: _____

Date : September ____, 1999

Citizenship: Canada

Post Office Address: 4332 Owl Valley Drive
Gloucester, Ontario, Canada K1V 1L3